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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

WRITER'S CONTACT INFORMATION  
202-828-5510

By Messenger

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation*  
CC Docket 96-45, Western Wireless Corporation  
Petition for Designation as an Eligible Telecommunications  
Carrier for the Pine Ridge Reservation in the State of South Dakota

Dear Ms. Salas:

We have obtained a copy of former Chairman William Kennard's letter dated August 30, 2001, which was placed in the referenced docket on filed on September 9, 2001. We represent Golden West Telecommunications Cooperative, Inc. ("Golden West") in the above-referenced proceeding. A copy of the former Chairman's letter is attached.

In the former Chairman's correspondence with Western Wireless Corporation ("Western Wireless"), which was copied to the current Chairman, the Commissioners and key staff personnel, former Chairman Kennard says he is "hopeful" that Western Wireless will receive a favorable ruling in the current proceeding. He also states his support for the company, relative to the captioned proceeding, at other places in his letter.


Previously, Golden West had filed Comments in this proceeding pointing out that the integrity of the proceeding had been compromised by Western Wireless when it had former Chairman Kennard and former Commissioner (now Chairman) Powell witness the signing of the Tate Woglaka Service Agreement that now lies at the heart of Western Wireless' petition to the Commission. Western Wireless must have known at the time that it would be filing for Eligible Telecommunications Carrier ("ETC") status on the Pine Ridge Reservation in South Dakota, which occurred within five (5) weeks of the December 13, 2000 signing ceremony.

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Mr. Kennard's letter compounds the appearance that the Commission's processes have been compromised, since Western Wireless' behavior when Mr. Kennard was in office certainly related to the filing of its petition for ETC designation for the Pine Ridge Reservation.

Golden West submits that Mr. Kennard's letter, and the questions that it raises,<sup>1</sup> can best be resolved by referring the matter of Western Wireless' petition to the South Dakota Public Utilities Commission, on jurisdictional grounds, for the reasons set forth in Golden West's initial Comments.<sup>2</sup>

Sincerely,

  
Benjamin H. Dickens, Jr.

Attachment

cc: The Honorable Michael K. Powell, Chairman, FCC  
The Honorable Kathleen Q. Abernathy, Commissioner, FCC  
The Honorable Michael J. Copps, Commissioner, FCC  
The Honorable Kevin J. Martin, Commissioner, FCC  
Jane E. Mago, General Counsel, FCC  
Dorothy Attwood, Chief, Common Carrier Bureau, FCC  
Katherine Schroder, Deputy Chief, Common Carrier Bureau, FCC  
Gerald P. Vaughan, Deputy Chief, Wireless Telecommunications Bureau, FCC  
William E. Kennard, Esq.

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<sup>1</sup> 18 U.S.C. Section 207 prohibits communications by former Commission "officers or employees" with the Commissioners or the staff the Commission, when such communications seek to influence the outcome of a proceeding and when the issue at hand had been within the field of the official's responsibility prior to the termination of their service. Western Wireless' petition was filed the same day that former Chairman Kennard's resignation became effective; i.e., January 19, 2001. Western Wireless' activity to influence the Commission before that date would naturally be relevant to an inquiry under Section 207 of the statute.

<sup>2</sup> See Comments of Golden West Telecommunications Cooperative, Inc. to the Public Notice in CC Dkt. No. 96-45, at 23-25 (March 12, 2001).

August 30, 2001

John W. Stanton  
Chairman and Chief Executive Officer  
Western Wireless Corporation  
3650 131st Avenue SE, Suite 600  
Bellevue, WA 98006

Dear John:

On the eve of next month's second annual Indian Training Initiative (ITTI), I write to thank you and your team at Western Wireless for all of the great work you have done to provide wireless service to tribal lands in our country. Last year's ITTI focused the spotlight on many companies that have led the way in bringing basic and advanced telecommunications services to customers, many of whom have received such services for the first time. The work of Western Wireless, Smith Bagley, Lucent Technologies, SBC Communications (now Cingular), Ericsson and others have pioneered innovative service offerings that empower people on tribal lands to share in the benefits of Information Age technology.

The ITTI is an excellent example of government working in partnership with private industry to improve service for consumers. But as we have discussed, much work remains to be done to bridge the technology gap that still deprives too many Indian people of basic and advanced services. Government has an important role to play. In this regard, I offer my support for your company's efforts to be designated as an Eligible Telecommunications Carrier (ETC) by the FCC for the purpose of providing service to the Pine Ridge Reservation in South Dakota.

Last year, I was proud to join Michael Powell and Susan Ness at the Tate Woglaka signing ceremony to commemorate the joint service agreement between Western Wireless and the tribe. I'm very hopeful that the FCC will grant you the ETC designation. I believe that the '96 Act contemplated that competitors should be given ETC status, which can only be good for underserved consumers, like many residing on Indian reservations.

I wish you all of the best in your company's continued involvement with providing service to Indian reservations and participation in next month's ITTI.

Sincerely,

William E. Kennard

cc: The Honorable Michael Powell, Chairman, FCC  
The Honorable Gloria Tristani, Commissioner, FCC  
The Honorable Kathleen Q. Abernathy, Commissioner, FCC  
The Honorable Michael J. Copps, Commissioner, FCC  
The Honorable Kevin J. Martin, Commissioner, FCC  
Jane Mago, General Counsel, FCC  
Dorothy Attwood, Chief, Common Carrier Bureau, FCC  
Katherine Schroder, Deputy Chief, Common Carrier Bureau, FCC  
Gerald Vaughan, Deputy Chief, Wireless Telecommunications Bureau, FCC  
Mikal J. Thomsen, President, COO, and Director, Western Wireless Corporation  
Gene DeJordy, Vice President, Western Wireless Corporation